<u>REMARKS</u>

Claims 1-27 are currently pending in the subject application and are presently under consideration. Claims 1, 12, 17, 20, 21, 22, 24, 25, 26, and 28 have been amended as shown at pages 2-9 of the Reply.

Applicants' representative thanks Examiner Luu for the courtesies extended during the telephonic interview conducted on February 16, 2007. Examiner was contacted to discuss the interpretation of Asami (US 6,747,674) with respect to claim limitations along with other novel features of the application. In particular, the claim limitation of "the number of the plurality of thumbnail images is determined based at least in part on an analysis of duration of the media input by the media delivery system" was discussed. Examiner Luu indicated that he believed that the distinction being argued with regard to this limitation too narrow and was not obvious over the cited section of Asami when broadly interpreted. Additionally, claim limitations related to determining thumbnails based upon a preferences from a plurality of users, as well as, placing thumbnails at intervals except where a scene change occurring within a predetermining proximity of the interval, in which case the thumbnail would be placed at the scene change were discussed. Examiner indicated that he was not aware of either of these being taught previously, but needed to perform further searching for verification.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.   Rejection of Claims 1-14 and 16-27 Under 35 U.S.C. §103(a)

Claims 1-14 and 16-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Horie *et al.* (US 2002/0094191) in view of Asami (US 6,747,674). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Horie *et al.* and Asami, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

> To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to

one of ordinary skill in the art, to modify the reference or to
combine reference teachings. Second, there must be a reasonable
expectation of success. Finally, the prior art reference (or
references when combined) must teach or suggest all the claim
limitations. *See* MPEP §706.02(j). The teaching or suggestion to
make the claimed combination and the reasonable expectation of
success must both be found in the prior art and not based on
applicant's disclosure. *See In re Vaeck,* 947 F.2d 488, 20 USPQ2d
1438 (Fed. Cir. 1991).

The claimed subject matter relates to a media browsing system that presents a plurality of
thumbnails related to a media item based upon analysis of the media item to provide a user an
easier way to navigate to their preferred section of the media item. For example, the user may
wish to navigate to a particular portion of a movie - can conduct an analysis of the movie to
determine scenes that match the user's preferences and place thumbnails at those locations. This
enables the user to navigate through the thumbnails to locate preferred section(s) of the movie.
The subject claims further disclose aggregating preferences from a plurality of users to determine
thumbnail placement and quantity of thumbnails. In particular, independent claim 1 (and
similarly independent claims 12, 17, 20, 21, and 27) recites *a media display component that*
displays a media input and at least one of a plurality of thumbnail images related to the media
*input ...**wherein at least one of the placement or the number of the plurality of thumbnail***
***images is determined based at least in part on aggregated preferences of a plurality of users**.*

Horie *et al.* and Asami do not teach or suggest the aforementioned novel aspects of
applicants' claimed invention. Rather, the cited art teaches a system for recording and playing
back media images that are stored on random access storage media, wherein thumbnail images
are created based on functions selected by a *single* user. The number of thumbnails created for a
single media image is driven by user action. For example, in the disclosed first embodiment, the
still images (thumbnails) are a playback indicator which indicates where the user interrupted
playback of the media image and user selected storage points. In this case, the number of
thumbnails is based upon the number of save points the user has specified. In the "jump" mode
embodiment, the number of thumbnails produced is based upon the functions the user selects,
such as a random viewing point or a replay function that rewinds a predetermined number of
seconds. In all of these examples, the number of thumbnails produced is based upon user
actions, and not upon an analysis of the media image. The cited art also discloses selection of

thumbnail position based upon identification of audio mode transitions or image scene transitions in the media image. These thumbnails are then displayed on a playback scale. However, Horie *et al.* is silent regarding placement and a determination of the number of thumbnails that are created for a single media image based preferences from a plurality of users. Likewise, Asami discloses a system where a *single* user either selects a time interval for displaying thumbnails or sets a predetermined interval, as well as setting the number of thumbnails that are displayed at a time. However, Asami is also silent regarding combined preferences of a plurality of users. Therefore, Horie *et al.* and Asami fail to teach or suggest that at least one of the placement or the number of the plurality of thumbnail images is determined based at least in part on aggregated preferences of a plurality of users.

Moreover, independent claim 22 (and similarly independent claims 24-26) recites *wherein the thumbnail images are placed at predetermined intervals of the media input, the thumbnail is placed at a scene change instead of a predetermined interval if the scene change is located within a predetermined proximity of the predetermined interval.* Horie *et al.* and Asami both disclose placing thumbnails as predetermined intervals selected by a user. Horie *et al.* further discloses placing a thumbnail image at a scene change. However, the cited references fail to teach a mechanism whereby a predetermined interval for placement of a thumbnail image is overridden when a scene change is within a certain distance from the predetermined interval. For example, the predetermined interval may lie within the same scene as the prior thumbnail placement, but near the next scene. This feature would allow the thumbnail to be placed at the beginning of the next scene. This novel feature of the subject claims allows for a more robust placement of the thumbnails while maintaining a reasonable interval. Hence, Horie *et al* and Asami fail to teach or suggest that the thumbnail images are placed at predetermined intervals of the media input, except where the thumbnail is placed at a scene change instead of a predetermined interval if the scene change is located within a predetermined proximity of the predetermined interval.

In view of at least the foregoing, it is readily apparent that Horie *et al.* and Asami, alone or in combination, do not teach or suggest applicants' invention as recited in independent claims 1, 12, 17, 20-22, 24, 26, and 27 (and claims 2-11, 13, 14, 16, 18, 19, and 23 which respectively depend there from)), and thus fails to make obvious the subject claimed invention. Accordingly, this rejection should be withdrawn.

II.   Rejection of Claim 15 Under 35 U.S.C. §103(a)

Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Horie *et al.*, in view of Asami (US 6,747,674) and "A Multiscale Random Field Model for Bayesian Image Segmentation" by Bouman *et al.* Claim 15 depends from independent claim 12. As noted *supra*, Horie *et al.* and Asami do not teach or suggest each and every element of the subject invention as recited in this independent claim and Bouman *et al.* fails to make up for the deficiencies of Horie *et al.* and Asami with regard to independent claim 12. Bouman *et al.* discloses an image segmentation system employing a Bayesian model. However, Bouman *et al.* is silent regarding creating thumbnail images. Therefore, Horie *et al.* Asami, and Bouman *et al.*, alone or in combination, fail to teach or suggest that at least one of the placement or the number of the plurality of thumbnail images is determined based at least in part on aggregated preferences of a plurality of users. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP303US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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